



THE CITY OF NEW YORK
LAW DEPARTMENT

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April 10, 2008

BY HAND DELIVERY AND ECF

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, New York 10007-1312

Re: Darren Hickmon v. The New York City Department of Correction, et al.,
07 CV 6642 (LAK) (KNF)

Your Honor:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed STIPULATION.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Francolla", written over a horizontal line.

Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division

Enc.

cc: Mr. Darren Hickmon (By mail)
Plaintiff *Pro Se*
DIN # 07-A-4399
Franklin Correctional Facility
Bare Hill Road
PO Box 10
Malone, New York 12953-0100

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DARREN HICKMON,

Plaintiff,

-against-

DEPARTMENT OF CORRECTION, WILLIAM
SCHAFFER C.O. #10686,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

07 CV 6642 (LAK) (KNF)

WHEREAS, plaintiff commenced this action by filing a complaint on or about July 24, 2007, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has agreed to settle this matter as against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff Darren Hickmon the sum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) in full satisfaction of all claims, inclusive of claims for costs, expenses and attorney's fees. In consideration for the payment of

this sum, plaintiff agrees to the dismissal of all claims against the City of New York and all individually named defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to City defendant's attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens, whichever applies.

4. Nothing contained herein shall be deemed to be an admission by defendants or the City of New York that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
APRIL 1, 2008

Mr. Darren Hickmon
Plaintiff *Pro Se*
DIN # 07-A-4399
Franklin Correctional Facility
Bare Hill Road
PO Box 10
Malone, New York 12953-0100

By: Darren Hickmon
Darren Hickmon

MICHAEL A. CARDOZO
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York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 788-0988

By: Brian Francolla 4/19/08
Brian Francolla
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.